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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PARK, JEONG S	
ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/29/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/29/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/659,638	KANO, MAKOTO	
	Examiner	Art Unit	
	Jeong S. Park	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 September 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/11/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Foreign priority is not accepted because:

The inventors and the title of "Recording Agent", of the applicant claimed as a foreign priority patent document (Japan P2002-268268) do not match with the current application inventors and the subject matter.

Specification

2. The specification is objected to because:

The title of the invention is not descriptive.

A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "4" and "5" in figure 1 have both been used to designate the same object of log file or access history information.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 1, 3, 5, 7, and 10-13 are objected to because of the following informalities:

In claim 1, line 13, the word "pages" should be corrected as –the pages-- for clear understanding of the claim;

In claim 1, line 17, the word "a session" should be corrected as –the session-- for clear understanding of the claim;

In claim 3, line 1, the phrase "a successful session" should be corrected as –the successful session-- for clear understanding of the claim;

In claim 3, line 2, the phrase "a page sequence" should be corrected as –the page sequence-- for clear understanding of the claim;

In claim 5, line 15, the word "categories" should be corrected as –the categories-- for clear understanding of the claim;

In claim 5, line 20, the word "a session" should be corrected as –the session-- for clear understanding of the claim;

In claim 7, line 2, the phrase "a successful session" should be corrected as –the successful session-- for clear understanding of the claim;

In claim 7, line 2, the phrase "a category sequence" should be corrected as –the category sequence-- for clear understanding of the claim;

In claim 10, line 14, the word "pages" should be corrected as –the pages-- for clear understanding of the claim;

In claim 10, line 18, the word "a session" should be corrected as –the session-- for clear understanding of the claim;

In claim 11, line 16, the word "categories" should be corrected as –the categories-- for clear understanding of the claim;

In claim 11, line 21, the word "a session" should be corrected as –the session-- for clear understanding of the claim;

In claim 12, line 14, the word "pages" should be corrected as –the pages-- for clear understanding of the claim;

In claim 12, line 18, the word "a session" should be corrected as –the session-- for clear understanding of the claim;

In claim 13, line 16, the word "categories" should be corrected as –the categories-- for clear understanding of the claim;

In claim 13, line 21, the word "a session" should be corrected as –the session-- for clear understanding of the claim;

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Independent claims 1, 5, 12, and 13 are drawn towards a method or an apparatus for analyzing hypertext comprising the steps of fetching access history information, classifying respective pages, setting one or a plurality of pages, dividing the fetched access history information, generating a page sequence, determining each of the sessions, calculating the number of sessions and a success ratio, and outputting the numbers of sessions and success ratios. In order for an abstract claim to be statutory, it must result in useful, concrete, and tangible results. The final result achieved by the claimed invention does not produce any tangible result because the output results are not stored or displayed anywhere.

Claims 2-4 and 6-9, which are dependent on claims 1 and 5 respectively, do not add any tangible results to the claim and thus are rejected for the same.

Claims 10 and 11 are drawn towards a computer program for analyzing hypertext comprising the steps of fetching access history information, classifying respective pages, setting one or a plurality of pages, dividing the fetched access history information, generating a page sequence, determining each of the sessions, calculating the number of sessions and a success ratio, and outputting the numbers of sessions and success ratios. The computer program is not in one of the statutory categories. The specification provides no explicit and deliberate definition of the computer program. Also this can be just an abstract idea. In order for an abstract claim to be statutory, it must

result in useful, concrete, and tangible results. The final result achieved by the claimed invention does not produce any tangible result.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3, 5, 7, and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasriel et al. (hereinafter Kasriel)(U.S. Patent No. US 6,963,874 B2).

Regarding claims 1, 10, and 12, Kasriel discloses as follows:

A hypertext analysis method, computer program product or apparatus for analyzing hypertext which is formed in a network server (reference characters 110, 120, 130, 140, and 150 in figure 1) and links a plurality of pages (reference characters 160, 170, and 180 in figure 1) with each other (web-page performance analysis system, see, e.g., col. 3, line 58 to col. 4, line 4, and figure 1), comprising;

Fetching access history information (identification of the web-page from the visitor arrived, identification of visitors, and time of day of the visit) to respective pages of the hypertext stored in the network server (see, e.g., col. 5, lines 30-44);

Setting one or a plurality of pages (web-page A1 in figure 2, or any recommended link pages M, Q, and A2 from web-page A1 of server A, see, e.g., figure

1) designated from the plurality of pages that form the hypertext as a target page or pages (see, e.g., col. 4, lines 53-55);

Dividing the fetched access history information into a plurality of sessions each indicating a series of accesses (a visitor traversals through the web-site is tracked as a linked set of records which shows a series of web-pages accessed by the visitor, see, e.g., col. 5, lines 44-52);

Generating a page sequence in an order of transition of pages included in each of the divided sessions (a visitor traversals through the web-site is tracked as a linked set of records which shows a series of web-pages accessed by the visitor, see, e.g., col. 5, lines 44-52), and storing the page sequence in a memory (a two-stage data storage process to facilitate rapid retrieval of current information from a memory, reference character 191 in figure 1, and efficient long term storage in a database, reference character 192 in figure 1, see, e.g., col. 4, lines 21-26);

Determining each of the sessions, which accesses the target page (other pages on the web-site) as a successful session, and a session, which does not access the target page (exit the page via the "back" button) as an unsuccessful session (linking to other pages on the web-site instead of exiting via the "back" button is considered as a successful session, see, e.g., col. 6, lines 53-67);

Calculating, for each of pages which form the hypertext, the number of sessions which accessed that page (number of visits to each page), and a success ratio as a ratio of the number of successful sessions to the number of access sessions

(calculating the exiting ratios for each page as a unsuccessful session ratio, see, e.g., col. 6, lines 53-67 and figure 3B); and

Outputting the numbers of sessions and success ratios of the respective pages as an analysis result (see, e.g., col. 6, lines 53-67 and figure 3B).

Regarding claims 3 and 7, Kasriel discloses as follows:

A successful session (linking to other pages on the web-site instead of exiting via the "back" button is considered as a successful session, see, e.g., col. 6, lines 53-67) corresponds to only a page sequence until the target page is accessed in the calculating the number of sessions and success ratio (calculating the exiting ratios for each page as a unsuccessful session ratio, see, e.g., col. 6, lines 53-67 and figure 3B).

Regarding claims 5, 11, and 13, Kasriel discloses as follows:

A hypertext analysis method, computer program product or apparatus for analyzing hypertext which is formed in a network server (reference characters 110, 120, 130, 140, and 150 in figure 1) and links a plurality of pages (reference characters 160, 170, and 180 in figure 1) with each other (web-page performance analysis system, see, e.g., col. 3, line 58 to col. 4, line 4, and figure 1) comprising;

Fetching access history information (identification of the web-page from the visitor arrived, identification of visitors, and time of day of the visit) to respective pages of the hypertext stored in the network server (see, e.g., col. 5, lines 30-44);

Classifying respective pages that form the hypertext into a plurality of categories, wherein a category is interpreted as a node (nodes, reference character 311-313, 316,

and 317 in figure 3A)(web-pages are grouped into a single node, see, e.g., col. 6, lines 6-21);

Setting one or a plurality of categories (a plurality of nodes, reference character 311-313, 316, and 317 in figure 3A) designated from the plurality of categories that form the hypertext as a target category or categories (target web-page, see, e.g., col. 4, lines 53-55);

Dividing the fetched access history information into a plurality of sessions each indicating a series of accesses (a visitor traversals through the web-site is tracked as a linked set of records which shows a series of web-pages accessed by the visitor, see, e.g., col. 5, lines 44-52);

Generating a category sequence in an order of transition of categories included in each of the divided sessions (a visitor traversals through the web-site is tracked as a linked set of records which shows a series of nodes accessed by the visitor, see, e.g., col. 5, lines 44-52), and storing the category sequence in a memory (a two-stage data storage process to facilitate rapid retrieval of current information from a memory, reference character 191 in figure 1, and efficient long term storage in a database, reference character 192 in figure 1, see, e.g., col. 4, lines 21-26);

Determining each of the sessions, which accesses the target category (other nodes on the web-site) as a successful session, and a session, which does not access the target category (exit the node via the "back" button) as an unsuccessful session (linking to other nodes on the web-site, instead of exiting via the "back" button, is considered as a successful session, see, e.g., col. 6, lines 38-67);

Calculating, for each of categories which form the hypertext, the number of sessions which accessed that category (number of visits to each page), and a success ratio as a ratio of the number of successful sessions to the number of access sessions (calculating the exiting ratios for each page as a unsuccessful session ratio, see, e.g., col. 6, lines 53-67 and figure 3B); and

Outputting the numbers of sessions and success ratios of the respective categories as an analysis result (see, e.g., col. 6, lines 53-67 and figure 3B).

Regarding claim 9, Kasriel discloses that the hypertext pertains to Web sales of merchandise, and the one or plurality of target categories include a "merchandise purchase" category ("Online Store", reference character 313 in figure 3A and "Completed Order", reference character 317 in figure 3A, see, e.g., col. 6, lines 6-21).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 2, 4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable Kasriel et al. (hereinafter Kasriel)(U.S. Patent No. US 6,963,874 B2) in view of Nakayama et al. (hereinafter Nakayama)(U.S. Patent No. US 6,782,423 B1).

Regarding claims 2 and 6, Kasriel discloses as follows:

The outputting includes a generating a graph obtained by plotting (display the rate of traversals among web-pages as a directed graph which illustrated web-pages as nodes, see, e.g., col. 4, lines 42-52 and figure 2); and

Outputting the graph as the analysis result (the user is provided the customized displayed path-analysis output, see, e.g., col. 5, line 60 to col. 6, line 5 and figure 3A, 3B, 4A-4C, and 5A-5C).

Kasriel does not disclose the orthogonal coordinate system, one of orthogonal axes of which plots the number of access sessions, and the other axis of which plots the success ratio.

Nakayama disclose that an output graph with x-axis indicates a current attribute value while the y-axis indicates a current estimated value of hyperlink transition frequency (see, e.g., col. 12, lines 49-67, and figure 3).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Kasriel to include the orthogonal coordinate graph showing two values in each axis as taught by Nakayama in order to present the output graph clearly by showing the relationship between the number of access sessions and the success ratio.

Regarding claims 4 and 8, Kasriel discloses that the outputting includes a displaying a directed line segment between pages corresponding to inter-page accesses of not less than a predetermined frequency (the link between nodes indicate

the volume of traversals between the nodes, see, e.g., col. 5, line 60 to col. 6, line 5 and figure 3A).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeong S. Park whose telephone number is 571-270-1597. The examiner can normally be reached on Monday through Thursday 7:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272--6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JSP
March 7, 2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER